

ORDINANCE NUMBER O- 21458 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 23 2022

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1515; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0619; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0112, 1516.0117, AND 1516.0122, ALL RELATING TO PUSHCARTS.

WHEREAS, on September 17, 2018, Governor Brown signed Senate Bill 946 (SB 946) into law, adding sections 51036-51039 to the California Government Code, which took effect on January 1, 2019; and

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors except in accordance with the provisions of California Government Code sections 51038 and 51039; and

WHEREAS, more specifically, SB 946 limits local regulations to those expressly provided for in the bill or those that are otherwise directly related to objective health, safety, or welfare concerns; and

WHEREAS, the San Diego Municipal Code (SDMC) currently regulates sidewalk vending by regulating pushcarts vending in the public right-of-way in a manner that is inconsistent with SB 946; and

WHEREAS, notwithstanding that SB 946 arguably intrudes upon a municipal affair by dictating to charter cities what can or cannot be done on local sidewalks and in local parks, the City desires to adopt a separate sidewalk vending program and amend the current pushcart regulations in the SDMC to encourage entrepreneurship and provide economic opportunities for people to support themselves and their families consistent with the intent of SB 946; and

WHEREAS, this Ordinance is adopted pursuant to San Diego Charter section 2, which authorizes the City “to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in this Charter”; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 12, Article 6, Division 2 of the San Diego Municipal Code is amended by amending section 126.0203, to read as follows:

**§126.0203 When a Neighborhood Use Permit Is Required**

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Artisan Food and Beverage Producer through Parking facilities as a primary use [No change in text.]

Recycling facilities (under circumstances described in Section 141.0620) through *Wireless communication facilities* (under certain circumstances described in Section 141.0420). [No change in text.]

(b) [No change in text.]

Section 2. That Chapter 12, Article 9, Division 7 of the San Diego Municipal Code is amended by amending section 129.0710, to read as follows:

**§129.0710 How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

- (a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:
- (1) through (3) [No change in text.]
  - (4) through (9) [No change in text.]
- (b) through (d) [No change in text.]

Section 3. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the Open Space zones are shown in Table 131-02B.

**Legend for Table 131-02B**

[No change in text.]

**Table 131-02B  
Use Regulations Table for Open Space Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator      | Zones |    |     |                     |    |                     |
|--|----------------------|-------|----|-----|---------------------|----|---------------------|
|  | 1st & 2nd >>         | OP-   |    | OC- | OR <sup>(1)</sup> - |    | OF <sup>(1)</sup> - |
|  | 3rd >>               | 1-    | 2- | 1-  | 1-                  | 1- |                     |
|  | 4th >>               | 1     | 1  | 1   | 1                   | 2  | 1                   |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(3)</sup></b> [No change in text.] | [No change in text.] |       |    |     |                     |    |                     |
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |       |    |     |                     |    |                     |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]   | [No change in text.] |       |    |     |                     |    |                     |

**Footnotes for Table 131-02B** [No change in text.]

Section 4. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, to read as follows:

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the Agricultural zones are shown in Table 131-03B.

**Legend for Table 131-03B**

[No change in text.]

**Table 131-03B  
Use Regulations Table for Agricultural Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator | Zones                |   |    |   |
|--|-----------------|----------------------|---|----|---|
|  | 1st & 2nd >>    | AG                   |   | AR |   |
|  | 3rd >>          | 1-                   |   | 1- |   |
|  | 4th >>          | 1                    | 2 | 1  | 2 |
| Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(5)</sup> [No change in text.] |                 | [No change in text.] |   |    |   |
| Pushcarts on Private Property [No change in text.]   |                 | [No change in text.] |   |    |   |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]   |                 | [No change in text.] |   |    |   |

Footnotes for Table 131-03B [No change in text.]

Section 5. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the Residential zones are shown in Table 131-04B.

**Legend for Table 131-04B**

[No change in text.]

**Table 131-04B  
Use Regulations Table for Residential Zones**

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories, Subcategories,<br>and Separately Regulated<br>Uses]                                  | Zone<br>Designator   | Zones |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
|--|----------------------|-------|-----|---|---|---|---|---|---|---|---|---|---|----|-----|----|-----|----|---|---|---|---|---|---|
|  | 1st & 2nd<br>>>      | RE-   | RS- |   |   |   |   |   |   |   |   |   |   |    | RX- |    | RT- |    |   |   |   |   |   |   |
|  | 3rd >>               | 1-    | 1-  |   |   |   |   |   |   |   |   |   |   |    | 1-  |    | 1-  |    |   |   |   |   |   |   |
|  | 4th >>               | 1     | 2   | 3 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11  | 12 | 13  | 14 | 1 | 2 | 1 | 2 | 3 | 4 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size<sup>(4)</sup></b> [No change in text.] | [No change in text.] |       |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |       |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]   | [No change in text.] |       |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories,<br>Subcategories, and<br>Separately Regulated<br>Uses]                               | Zone<br>Designator   | Zones |   |   |    |   |   |    |   |   |    |    |    |  |
|--|----------------------|-------|---|---|----|---|---|----|---|---|----|----|----|--|
|  | 1st & 2nd<br>>>      | RM-   |   |   |    |   |   |    |   |   |    |    |    |  |
|  | 3rd >>               | 1-    |   |   | 2- |   |   | 3- |   |   | 4- |    | 5- |  |
|  | 4th >>               | 1     | 2 | 3 | 4  | 5 | 6 | 7  | 8 | 9 | 10 | 11 | 12 |  |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(4)</sup></b> [No change in text.] | [No change in text.] |       |   |   |    |   |   |    |   |   |    |    |    |  |
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |       |   |   |    |   |   |    |   |   |    |    |    |  |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]   | [No change in text.] |       |   |   |    |   |   |    |   |   |    |    |    |  |

Footnotes for Table 131-04B [No change in text.]

Section 6. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

**§131.0522 Use Regulations Table for Commercial Zones**

The uses allowed in the commercial zones are shown in Table 131-05B.

**Legend for Table 131-05B**

[No change in text.]

**Table 131-05B  
Use Regulations Table for Commercial Zones**

| Use Categories/Subcategories<br><br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]  | Zone Designator | Zones                |   |   |   |   |     |    |     |    |    |    |    |     |   |     |   |   |
|---|-----------------|----------------------|---|---|---|---|-----|----|-----|----|----|----|----|-----|---|-----|---|---|
|   | 1st & 2nd >>    | CN <sup>(1)</sup> -  |   |   |   |   | CR- |    | CO- |    |    |    |    | CV- |   | CP- |   |   |
|   | 3rd >>          | 1-                   |   |   |   |   | 1-  | 2- | 1-  | 2- | 3- | 1- | 1- |     |   |     |   |   |
|   | 4th >>          | 1                    | 2 | 3 | 4 | 5 | 6   | 1  | 1   | 1  | 2  | 1  | 2  | 1   | 2 | 3   | 1 | 2 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size<sup>(9)</sup></b><br>[No change in text.] |                 | [No change in text.] |   |   |   |   |     |    |     |    |    |    |    |     |   |     |   |   |
| Pushcarts on Private Property [No change in text.]  |                 | [No change in text.] |   |   |   |   |     |    |     |    |    |    |    |     |   |     |   |   |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]  |                 | [No change in text.] |   |   |   |   |     |    |     |    |    |    |    |     |   |     |   |   |

| Use Categories/Subcategories<br><br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator | Zone                 |   |   |    |   |   |    |   |   |    |   |   |    |   |   |   |   |
|--|-----------------|----------------------|---|---|----|---|---|----|---|---|----|---|---|----|---|---|---|---|
|  | 1st & 2nd >>    | CC-                  |   |   |    |   |   |    |   |   |    |   |   |    |   |   |   |   |
|  | 3rd >>          | 1-                   |   |   | 2- |   |   | 3- |   |   | 4- |   |   | 5- |   |   |   |   |
|  | 4th >>          | 1                    | 2 | 3 | 1  | 2 | 3 | 4  | 5 | 1 | 2  | 3 | 4 | 5  | 1 | 2 | 3 | 4 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size<sup>(9)</sup></b> [No change in text.] |                 | [No change in text.] |   |   |    |   |   |    |   |   |    |   |   |    |   |   |   |   |

|  |                      |
|--|----------------------|
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.] | [No change in text.] |

Footnotes for Table 131-05B [No change in text.]

Section 7. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

**Legend for Table 131-06B**

[No change in text.]

**Table 131-06B  
Use Regulations Table for Industrial Zones**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator      | Zones |    |    |     |    |    |     |    |     |      |
|---|----------------------|-------|----|----|-----|----|----|-----|----|-----|------|
|   | 1st & 2nd >>         | IP-   |    |    | IL- |    |    | IH- |    | IS- | IBT- |
|   | 3rd >>               | 1-    | 2- | 3- | 1-  | 2- | 3- | 1-  | 2- | 1-  | 1-   |
|   | 4th >>               | 1     | 1  | 1  | 1   | 1  | 1  | 1   | 1  | 1   | 1    |
| Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(13)</sup> [No change in text.] | [No change in text.] |       |    |    |     |    |    |     |    |     |      |
| Pushcarts on Private Property [No change in text.]  | [No change in text.] |       |    |    |     |    |    |     |    |     |      |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]  | [No change in text.] |       |    |    |     |    |    |     |    |     |      |

Footnotes for Table 131-06B [No change in text.]

Section 8. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1510 and 132.1515, to read as follows:



**§132.1510 Noise Compatibility**

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

(a) through (f) [No change in text.]

**Legend for Table 132-15D**

[No change in text.]

**Table 132-15D**

**Noise Compatibility Criteria for MCAS Miramar, Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, and NOLF Imperial Beach Airport Influence Areas**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]  | Aircraft Noise Exposure (dB CNEL) |       |       |       |
|--|-----------------------------------|-------|-------|-------|
|  | 60-65                             | 65-70 | 70-75 | 75-80 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(4)</sup></b> [No change in text.] | [No change in text.]              |       |       |       |
| Pushcarts on Private Property  | P                                 | P     | P     | -     |
| <b>Recycling Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking &amp; Dismantling of Motor Vehicles</b> [No change in text.]  | [No change in text.]              |       |       |       |

Footnotes to Table 132-15D [No change in text.]

**Legend for Table 132-15E**

[No change in text.]

**Table 132-15E**  
**Noise Compatibility Criteria for San Diego International Airport**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]                               | Aircraft Noise Exposure (dB CNEL) |       |       |       |
|---|-----------------------------------|-------|-------|-------|
|   | 60-65                             | 65-70 | 70-75 | 75-80 |
| <b>Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(4)</sup></b> [No change in text.] | [No change in text.]              |       |       |       |
| Pushcarts on Private Property   | P                                 | P     | P     | P     |
| Recycling Facilities through <i>Signs</i> , <b>Allowable Signs</b> , Theater <i>Marquees</i><br>[No change in text.]  | [No change in text.]              |       |       |       |

Footnotes to Table 132-15E [No change in text.]

**§132.1515 Safety Compatibility**

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

(a) through (f) [No change in text.]

**Legend for Table 132-15G**

[No change in text.]

**Table 132-15G**  
**Safety Compatibility Criteria for MCAS Miramar and NOLF Imperial Beach**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | APZ I                   | APZ II | TZ |
|---|-------------------------|--------|----|
|   | Maximum People Per Acre | 25     | 50 |
| <b>Open Space through Separately Regulated Commercial Services Uses, Privately Operated,</b>  | [No change in text.]    |        |    |

| <b>Use Categories/ Subcategories</b><br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | <b>APZ I</b>         | <b>APZ II</b>   | <b>TZ</b> |
|--|----------------------|-----------------|-----------|
| Maximum People Per Acre  | 25                   | 50              | 300       |
| Outdoor Recreation Facilities over 40,000 square feet in size [No change in text.]   |                      |                 |           |
| Pushcarts on Private Property  | P <sup>15</sup>      | P <sup>15</sup> | P         |
| Recycling Facilities through <b>Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]   | [No change in text.] |                 |           |

Footnotes to Table 132-15G [No change in text.]

(g) [No change in text.]

#### Legend for Table 132-15H

[No change in text.]

**Table 132-15H**  
**Safety Compatibility Criteria for Brown Field Municipal Airport**  
**and Montgomery-Gibbs Executive Airport**

| <b>Use Categories/ Subcategories</b><br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | <b>Zone 1</b>        | <b>Zone 2</b> | <b>Zone 3</b> | <b>Zone 4</b> | <b>Zone 5</b> | <b>Zone 6</b> |
|--|----------------------|---------------|---------------|---------------|---------------|---------------|
| Maximum People Per Acre  | N/A                  | 84            | 156           | 156           | 240           | No limit      |
| Maximum <i>Lot Coverage</i> <sup>11, 18</sup>  | N/A                  | 50%           | 60%           | 70%           | 70%           | N/A           |
| <b>Open Space</b> through <b>Service Uses, Privately Operated, Outdoor Recreation Facilities</b> over 40,000 square feet in size [No change in text.]                  | [No change in text.] |               |               |               |               |               |
| Pushcarts on Private Property  | -                    | P             | P             | P             | P             | P             |
| Recycling Facilities through <b>Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]   | [No change in text.] |               |               |               |               |               |

Footnotes to Table 132-15H [No change in text.]

(h) [No change in text.]

**Legend for Table 132-15I**

[No change in text.]

**Table 132-15I  
Safety Compatibility Criteria for San Diego International Airport – Uptown,  
Balboa Park and Centre City Neighborhoods**

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories, Subcategories,<br>and Separately Regulated<br>Uses] | Uptown               |      | Balboa<br>Park |    | Centre City |    |      |                      |              |   |      |      |     |
|---|----------------------|------|----------------|----|-------------|----|------|----------------------|--------------|---|------|------|-----|
|   |                      |      |                |    | Cortez      |    |      | East<br>Vill-<br>age | Little Italy |   |      |      |     |
| Safety Zones  | 2E                   | 3NE  | 3SE            | 2E | 4E          | 2E | 3SE  | 4E                   | 4E           | 1 | 2E   | 3E   | 5S  |
| Maximum Dwelling Unit Per Acre  | 58                   | 62   | 164            | -  | -           | -  | 210  | 240                  | -            | - | 40   | 154  | -   |
| Maximum People Per Acre   | 272                  | 278  | 674            | 96 | 240         | 96 | 842  | 240                  | 240          | - | 255  | 732  | 180 |
| Person per Household Multiplier for Mixed-Use Development   | 1.51                 | 1.48 | 1.57           | -  | -           | -  | 1.57 | 1.52                 | -            | - | 1.51 | 1.57 | -   |
| Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size [No change in text.]          | [No change in text.] |      |                |    |             |    |      |                      |              |   |      |      |     |
| Pushcarts on Private Property   | P                    | P    | P              | P  | P           | P  | P    | P                    | P            | - | P    | P    | P   |
| Recycling Facilities through Signs, Allowable Signs, Theater Marquees [No change in text.]  | [No change in text.] |      |                |    |             |    |      |                      |              |   |      |      |     |

Footnotes to Table 132-15I [No change in text.]

**Legend for Table 132-15J**

[No change in text.]

**Table 132-15J**  
**Safety Compatibility Criteria for San Diego International Airport – Ocean Beach,**  
**Peninsula, Midway-Pacific Highway Neighborhoods**

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for an<br>explanation and descriptions<br>of the Use Categories,<br>Subcategories, and Separately<br>Regulated Uses]             | Ocean Beach          | Peninsula             |      |      |         |      |                     |         |      |   |      | Midway-Pacific Highway |      |     |  |  |
|--|----------------------|-----------------------|------|------|---------|------|---------------------|---------|------|---|------|------------------------|------|-----|--|--|
|  |                      | Naval Training Center |      |      |         |      | Other Neighborhoods |         |      |   |      |                        |      |     |  |  |
| Safety Zones   | 4W                   | 1                     | 2W   | 3NW  | 3S<br>W | 2W   | 3N<br>W             | 3S<br>W | 4W   | 1 | 2E   | 3NE                    | 3NW  | 5N  |  |  |
| Maximum Dwelling Unit<br>Per Acre  | 31                   | -                     | -    | -    | -       | 20   | 10                  | 9       | 36   | - | 46   | -                      | 44   | -   |  |  |
| Maximum People Per Acre  | 240                  | -                     | 127  | 180  | 235     | 96   | 180                 | 180     | 240  | - | 191  | 180                    | 198  | 180 |  |  |
| Person per Household<br>Multiplier for Mixed-Use<br>Development  | 2.14                 | -                     | 2.35 | 2.27 | 2.23    | 2.35 | 2.27                | 2.23    | 2.14 | - | 1.51 | 1.48                   | 2.27 | -   |  |  |
| Open Space through<br>Separately Regulated<br>Commercial Services Uses,<br>Privately Operated, Outdoor<br>Recreation Facilities over<br>40,000 square feet in size [No<br>change in text.] | [No change in text.] |                       |      |      |         |      |                     |         |      |   |      |                        |      |     |  |  |
| Pushcarts on Private<br>Property   | P                    | -                     | P    | P    | P       | P    | P                   | P       | P    | - | P    | P                      | P    | P   |  |  |
| Recycling Facilities<br>through <i>Signs</i> , Allowable<br><i>Signs</i> , Theater <i>Marquees</i><br>[No change in text.]   | [No change in text.] |                       |      |      |         |      |                     |         |      |   |      |                        |      |     |  |  |

Footnotes to Table 132-15J [No change in text.]

Section 9. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 141.0619, to read as follows:

**§141.0619 Pushcarts on Private Property**

This Section regulates pushcarts on private property. Pushcarts are moveable, wheeled, non-motorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots. Pushcarts are a health-regulated business subject to Section 42.0102. Pushcarts are permitted on private property as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Pushcarts are not permitted in required *yards*, required landscape areas, or required parking areas.
- (b) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.
- (c) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- (d) The price of items sold shall be posted on the pushcart and shall be clearly legible.

Section 10. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

**§155.0238 Use Regulations Table of CU Zones**

The uses allowed in the CU zones are shown in Table 155-02C:

**Legend for Table 155-02C**

[No change in text.]

**Table 155-02C  
Use Regulations Table for CU Zones**

| Use Categories/Subcategories<br>[See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]                               | Zone Designator      | Zones              |   |    |   |   |                                   |   |   |   |  |
|--|----------------------|--------------------|---|----|---|---|-----------------------------------|---|---|---|--|
|  | 1st & 2nd >>         | CU-                |   |    |   |   |                                   |   |   |   |  |
|  | 3rd >>               | 1-( <sup>1</sup> ) |   | 2- |   |   | 3-                                |   |   |   |  |
|  | 4th >>               | 1                  | 2 | 3  | 4 | 5 | 3( <sup>2</sup> X <sup>12</sup> ) | 6 | 7 | 8 |  |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size<sup>(6)</sup></b> [No change in text.] | [No change in text.] |                    |   |    |   |   |                                   |   |   |   |  |

|  |                      |
|--|----------------------|
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |
| Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.] | [No change in text.] |

Footnotes for Table 155-02C [No change in text.]

Section 11. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0308, to read as follows:

**156.0308 Base District Use Regulations**

(a) through (b) [No change in text.]

| <b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>   |                      |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |
|---|----------------------|----|----|----|-----------------|----|----|----------------|----------------|----|----|-----------------|---------------------------|-----------------------|
| <b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay |                      |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |
| Use Categories/<br>Subcategories  | C                    | NC | ER | BP | WM <sup>7</sup> | MC | RE | I <sup>7</sup> | T <sup>7</sup> | PC | OS | CC <sup>7</sup> | Additional<br>Regulations | MS/CS & E<br>Overlays |
| Public Park/<br>Plaza/Open<br>Space through<br>Commercial<br>Services,<br>Separately<br>Regulated<br>Commercial<br>Service Uses,<br>Private Clubs,<br>Lodges and<br>Fraternal<br>Organizations<br>[No change in<br>text.]                                       | [No change in text.] |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |
| Pushcarts on private<br>property  | L                    | L  | L  | L  | L               | -- | -- | L              | L              | L  | L  | L               | §141.0619                 |                       |
| Recycling Facilities<br>through Signs,<br>Separately<br>Regulated Signs<br>Uses, Other Use<br>Requirements,<br>Temporary Uses   | [No change in text.] |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |

|  |   |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |
|--|---|----|----|----|-----------------|----|----|----------------|----------------|----|----|-----------------|---------------------------|-----------------------|
| <b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>  |   |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |
| <b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required;<br>-- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required;<br>S = Site Development Permit Required; MS = Main Street; CS= Commercial Street;<br>E= Employment Overlay |   |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |
| <b>Use Categories/<br/>Subcategories</b>   | C | NC | ER | BP | WM <sup>7</sup> | MC | RE | I <sup>7</sup> | T <sup>7</sup> | PC | OS | CC <sup>7</sup> | Additional<br>Regulations | MS/CS & E<br>Overlays |
| and Structures [No<br>change in text.]   |   |    |    |    |                 |    |    |                |                |    |    |                 |                           |                       |

Footnotes for Table 156-0308-A [No change in text.]

Section 12. That Chapter 15, Article 7, Division 3 of the San Diego Municipal Code is amended by amending section 157.0304, to read as follows:

**§157.0304 Permitted Uses**

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) through (c) [No change in text.]

**(d) Prohibited Uses**

The following uses shall be prohibited in the entire District as both *primary* and *accessory uses*:

- (1) card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;



- (2) correctional placement facilities pursuant to section 141.0406;
- (3) drive-through businesses; and
- (4) mobile food trucks as described in Section 141.0612.

(e) through (f) [No change in text.]

Section 13. That Chapter 15, Article 16, Division 1 of the San Diego Municipal Code is amended by amending sections 1516.0112, 1516.0117, and 1516.0122 to read as follows:

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones**

**Legend for Table 1516-01B**

[No change in text.]

**Table 1516-01B  
Use Regulations for Old Town Residential Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]                                       | Zone Designator | Zones                |       |    |   |
|--|-----------------|----------------------|-------|----|---|
|  | 1st & 2nd >>    | OTRS-                | OTRM- |    |   |
|  | 3rd >>          | 1-                   | 1-    | 2- |   |
|  | 4th >>          | 1                    | 1     | 1  | 2 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.] |                 | [No change in text.] |       |    |   |
| Pushcarts on Private Property [No change in text.]   |                 | [No change in text.] |       |    |   |
| Recycling Facilities through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                 | [No change in text.] |       |    |   |

Footnotes for Table 1516-01B [No change in text.]

**§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones**

**Legend for Table 1516-01D**

[No change in text.]

**Table 1516-01D  
Use Regulations for Old Town San Diego Commercial Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]                                       | Zone Designator | Zones                |    |   |    |   |   |        |   |   |
|--|-----------------|----------------------|----|---|----|---|---|--------|---|---|
|  | 1st & 2nd >>    | OTCC-                |    |   |    |   |   | OTMCR- |   |   |
|  | 3rd >>          | 1-                   | 2- |   | 3- |   | 1 |        |   |   |
|  | 4th >>          | 1                    | 1  | 2 | 3  | 1 | 2 | 1      | 2 | 3 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size</b> [No change in text.] |                 | [No change in text.] |    |   |    |   |   |        |   |   |
| Pushcarts on Private Property [No change in text.]   |                 | [No change in text.] |    |   |    |   |   |        |   |   |
| <b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                 | [No change in text.] |    |   |    |   |   |        |   |   |

Footnotes for Table 1516-01D [No change in text.]

**§1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones**

**Legend for Table 1516-01F**

[No change in text.]

**Table 1516-01F  
Use Regulations for Old Town San Diego Open Space-Park Zones**

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]  | Zone Designator | Zones                |    |
|--|-----------------|----------------------|----|
|  | 1st & 2nd >>    | OTOP-                |    |
|  | 3rd >>          | 1-                   | 2- |
|  | 4th >>          | 1                    | 1  |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.] |                 | [No change in text.] |    |
| Pushcarts on Private Property [No change in text.]   |                 | [No change in text.] |    |

| Use Categories/<br>Subcategories<br>[See Section 131.0112<br>for Use Categories,<br>Subcategories, and<br>Separately<br>Regulated Uses] | Zone<br>Designator | Zones                |       |
|---|--------------------|----------------------|-------|
|   |                    | 1st & 2nd >>         | OTOP- |
|   | 3rd >>             | 1-                   | 2-    |
|   | 4th >>             | 1                    | 1     |
| Recycling Facilities through Signs,<br>Separately Regulated Signs Uses,<br>Theater Marquees [No change in<br>text.]                     |                    | [No change in text.] |       |

Footnotes for Table 1516-01F [No change in text.]

Section 14. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 15. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance applicable inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 16. That Ordinances O-2022-1 (Transit Priority Area Non-Residential Parking); Ordinance O-2022-17 (Airport Amendments); O-2022-34 (Spaces as Places); O-2022-36, O-2022-37, and O-2022-48 (Barrio Logan Community Plan Update); and O-2022-59 and O-2022-60 (2021 Municipal Code Update) have been recently considered by the City Council, all of which amend San Diego Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to

reconcile the numbering of sections and placement of text within these sections upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Ken So  
Ken So  
Chief Deputy City Attorney

KRS:nja:jdf:cm  
02/24/2022  
06/14/2022 REV.  
Or. Dept: Council District – 2  
Doc. No. 2854301\_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 17 2022.

ELIZABETH S. MALANDRINO  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

(NOTE: See memo and signature page.)

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**(619) 236-6220**

**DATE:** June 16, 2022

**TO:** Matthew Hilario, Legislative Recorder

**FROM:** Ken So, Chief Deputy City Attorney

**SUBJECT:** Revisions to Ordinance O-2022-45 REV. (O-21458 (May 23, 2022))

---

We are submitting revised copies of the City Attorney Ordinance, Strikeout, and Digest for O-2022-45 (O-21458 (May 23, 2022)) to correct discrepancies between the current online copy of the San Diego Municipal Code and the clean and strikeout ordinances. These changes were brought to our attention by Sonia Pickens, Municipal Code Administrator, on Monday evening, June 13, 2022.

The following revisions were made to the Ordinance, Strikeout, and Digest as described below:

A. Ordinance:

1. In the title, "SECTION 132.1510;" was revised to read "SECTIONS 132.1510 AND 132.1515;"
2. The title of Table 132-15D was amended to match the title change for the same table as shown in O-21380 (O-2022-17), effective January 16, 2022.
3. The rows for "Pushcarts;" and "Pushcarts in *Public Right-of-Way*" in Tables 132-15D and 132-15E within section 132.1510 were deleted.
4. The rows for "Pushcarts;" and "Pushcarts in *Public Right-of-Way*" in Tables 132-15G, 132-15H, 132-15I, and 132-15J within section 132.1515 were deleted
5. The column in Table 156.0308-A titled "PF<sup>10</sup>" within section 156.0308 was deleted as it had previously been deleted by O-21114 (O-2020-2), effective September 8, 2019.

B. Strikeout:

1. In the title, "SECTION 132.1510;" was revised to read "SECTIONS 132.1510 AND 132.1515;"
2. The title of Table 132-15D was amended to match the title change for the same table as shown in O-21380 (O-2022-17), effective January 16, 2022.
3. The rows for "Pushcarts:" and "Pushcarts in *Public Right-of-Way*" in Tables 132-15D and 132-15E within section 132.1510 were modified to show that they would be deleted.
4. The rows for "Pushcarts:" and "Pushcarts in *Public Right-of-Way*" in Tables 132-15G, 132-15H, 132-15I, and 132-15J within section 132.1515 were modified to show that they would be deleted.
5. The column in Table 156.0308-A titled "PF<sup>10</sup>" within section 156.0308 was deleted as it had previously been deleted by O-21114 (O-2020-2), effective September 8, 2019.

C. Digest:

1. In the title, "SECTION 132.1510;" was revised to read "SECTIONS 132.1510 AND 132.1515;". No other edits were made to the digest.

Please let us know if you have any further questions concerning this ordinance.

MARA W. ELLIOTT, CITY ATTORNEY

By /s/ Ken So  
Ken So  
Chief Deputy City Attorney

KRS:cm

Doc. No. 3005428

Attachments: O-2022-45 REV. Ordinance

O-2022-45 REV. Strikeout

O-2022-45 REV. Digest

cc: Gilberto Sanchez, Associate Management Analyst  
Diana Fuentes, Deputy Director, Legislative Services

2022-37, and O-2022-48 (Barrio Logan Community Plan Update); and O-2022-59 and O-2022-60 (2021 Municipal Code Update) have been recently considered by the City Council, all of which amend San Diego Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within these sections upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Ken So  
Ken So  
Chief Deputy City Attorney

KRS:nja:jdf:cm  
02/24/2022  
Or. Dept: Council District - 2  
Doc. No. 2854301

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 17 2022.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 5/20/22  
(date)

[Signature]  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

(NOTE: The date of final passage is May 23, 2022, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**  
**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1515; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 141.0619; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0112, 1516.0117, AND 1516.0122, ALL RELATING TO PUSHCARTS.

**§126.0203 When a Neighborhood Use Permit Is Required**

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.



Artisan Food and Beverage Producer through Parking facilities as a primary use [No change in text.]

~~Pushcarts~~

Recycling facilities (under circumstances described in Section 141.0620) through *Wireless communication facilities* (under certain circumstances described in Section 141.0420) [No change in text.]

(b) [No change in text.]

**§129.0710 How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

(a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

(1) through (3) [No change in text.]

~~(4) The *encroachment* is permitted under Section 141.0619(b) (Pushcarts).~~

~~(54) through (402)~~ [No change in text.]

(b) through (d) [No change in text.]

**§131.0222 Use Regulations Table for Open Space Zones**

The uses allowed in the Open Space zones are shown in Table 131-02B.

**Legend for Table 131-02B**

[No change in text.]

**Table 131-02B  
Use Regulations Table for Open Space Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator | Zones                |    |     |                     |    |                     |
|--|-----------------|----------------------|----|-----|---------------------|----|---------------------|
|  | 1st & 2nd >>    | OP-                  |    | OC- | OR <sup>(1)</sup> - |    | OF <sup>(1)</sup> - |
|  | 3rd >>          | 1-                   | 2- | 1-  | 1-                  | 1- |                     |
|  | 4th >>          | 1                    | 1  | 1   | 1                   | 2  | 1                   |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(3)</sup></b> [No change in text.] |                 | [No change in text.] |    |     |                     |    |                     |
| <b>Pushcarts:</b>  |                 |                      |    |     |                     |    |                     |
| Pushcarts on Private Property [No change in text.]   |                 | [No change in text.] |    |     |                     |    |                     |
| <b>Pushcarts in Public Right-of-Way</b>  | N               | -                    | -  | -   | -                   | -  |                     |
| Recycling Facilities through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                 | [No change in text.] |    |     |                     |    |                     |

Footnotes for Table 131-02B [No change in text.]

**§131.0322 Use Regulations Table for Agricultural Zones**

The uses allowed in the Agricultural zones are shown in Table 131-03B.

**Legend for Table 131-03B**

[No change in text.]

**Table 131-03B  
Use Regulations Table for Agricultural Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator | Zones                |   |    |   |
|--|-----------------|----------------------|---|----|---|
|  | 1st & 2nd >>    | AG                   |   | AR |   |
|  | 3rd >>          | 1-                   |   | 1- |   |
|  | 4th >>          | 1                    | 2 | 1  | 2 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(5)</sup></b> [No change in text.] |                 | [No change in text.] |   |    |   |
| <b>Pushcarts</b>   |                 |                      |   |    |   |
| <b>Pushcarts on Private Property</b> [No change in text.]  |                 | [No change in text.] |   |    |   |
| <b><i>Pushcarts in public right of way</i></b>   |                 | -                    |   | -  |   |
| <b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                 | [No change in text.] |   |    |   |

Footnotes for Table 131-03B [No change in text.]

**§131.0422 Use Regulations Table for Residential Zones**

The uses allowed in the Residential zones are shown in Table 131-04B.

**Legend for Table 131-04B**

[No change in text.]

**Table 131-04B  
Use Regulations Table for Residential Zones**

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories, Subcategories,<br>and Separately Regulated<br>Uses]                                  | Zone<br>Designator | Zones                |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
|--|--------------------|----------------------|-----|---|---|---|---|---|---|---|---|---|---|----|-----|----|-----|----|---|---|---|---|---|---|
|  | 1st & 2nd<br>>>    | RE-                  | RS- |   |   |   |   |   |   |   |   |   |   |    | RX- |    | RT- |    |   |   |   |   |   |   |
|  | 3rd >>             | 1-                   | 1-  |   |   |   |   |   |   |   |   |   |   |    | 1-  |    | 1-  |    |   |   |   |   |   |   |
|  | 4th >>             | 1                    | 2   | 3 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11  | 12 | 13  | 14 | 1 | 2 | 1 | 2 | 3 | 4 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size<sup>(4)</sup></b> [No change in text.] |                    | [No change in text.] |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
| <b>Pushcarts:</b>  |                    |                      |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
| Pushcarts on Private Property [No change in text.]   |                    | [No change in text.] |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |
| <b>Pushcarts in <i>Public Right-of-Way</i></b>   | -                  | -                    |     |   |   |   |   |   |   |   |   |   |   | -  | -   |    |     |    |   |   |   |   |   |   |
| <b>Recycling Facilities through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i></b> [No change in text.]   |                    | [No change in text.] |     |   |   |   |   |   |   |   |   |   |   |    |     |    |     |    |   |   |   |   |   |   |

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories,<br>Subcategories, and<br>Separately Regulated<br>Uses]                               | Zone<br>Designator | Zones                |   |   |    |   |   |    |   |   |    |    |    |  |
|--|--------------------|----------------------|---|---|----|---|---|----|---|---|----|----|----|--|
|  | 1st & 2nd<br>>>    | RM-                  |   |   |    |   |   |    |   |   |    |    |    |  |
|  | 3rd >>             | 1-                   |   |   | 2- |   |   | 3- |   |   | 4- |    | 5- |  |
|  | 4th >>             | 1                    | 2 | 3 | 4  | 5 | 6 | 7  | 8 | 9 | 10 | 11 | 12 |  |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(4)</sup></b> [No change in text.] |                    | [No change in text.] |   |   |    |   |   |    |   |   |    |    |    |  |
| <b>Pushcarts:</b>  |                    |                      |   |   |    |   |   |    |   |   |    |    |    |  |
| Pushcarts on Private Property [No change in text.]   |                    | [No change in text.] |   |   |    |   |   |    |   |   |    |    |    |  |

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories,<br>Subcategories, and<br>Separately Regulated<br>Uses] | Zone<br>Designator | Zones                |   |   |    |   |   |    |   |   |    |    |    |  |
|--|--------------------|----------------------|---|---|----|---|---|----|---|---|----|----|----|--|
|  | 1st & 2nd<br>>>    | RM-                  |   |   |    |   |   |    |   |   |    |    |    |  |
|  | 3rd >>             | 1-                   |   |   | 2- |   |   | 3- |   |   | 4- |    | 5- |  |
|  | 4th >>             | 1                    | 2 | 3 | 4  | 5 | 6 | 7  | 8 | 9 | 10 | 11 | 12 |  |
| <b>Pushcarts in Public Right of Way</b>  |                    | -                    |   |   | -  |   |   | -  |   |   | -  |    | -  |  |
| <b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                    | [No change in text.] |   |   |    |   |   |    |   |   |    |    |    |  |

Footnotes for Table 131-04B [No change in text.]

**§131.0522 Use Regulations Table for Commercial Zones**

The uses allowed in the commercial zones are shown in Table 131-05B.

**Legend for Table 131-05B**

[No change in text.]

**Table 131-05B  
Use Regulations Table for Commercial Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an<br>explanation and descriptions of<br>the Use Categories,<br>Subcategories, and Separately<br>Regulated Uses]   | Zone<br>Designator | Zones                |   |   |   |     |    |     |    |    |     |    |     |   |   |   |   |   |
|--|--------------------|----------------------|---|---|---|-----|----|-----|----|----|-----|----|-----|---|---|---|---|---|
|  | 1st & 2nd<br>>>    | CN <sup>(1)</sup> -  |   |   |   | CR- |    | CO- |    |    | CV- |    | CP- |   |   |   |   |   |
|  | 3rd >>             | 1-                   |   |   |   |     | 1- | 2-  | 1- | 2- | 3-  | 1- | 1-  |   |   |   |   |   |
|  | 4th >>             | 1                    | 2 | 3 | 4 | 5   | 6  | 1   | 1  | 1  | 2   | 1  | 2   | 1 | 2 | 3 | 1 | 2 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size<sup>(9)</sup></b> [No change in text.] |                    | [No change in text.] |   |   |   |     |    |     |    |    |     |    |     |   |   |   |   |   |
| <b>Pushcarts:</b>  |                    |                      |   |   |   |     |    |     |    |    |     |    |     |   |   |   |   |   |
| <b>Pushcarts on Private Property</b> [No change in text.]  |                    | [No change in text.] |   |   |   |     |    |     |    |    |     |    |     |   |   |   |   |   |
| <b>Pushcarts in Public Right of Way</b>  |                    | N                    |   | N |   | N   |    | N   |    | N  |     | N  |     | N |   | - |   |   |
| <b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                    | [No change in text.] |   |   |   |     |    |     |    |    |     |    |     |   |   |   |   |   |

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator | Zone                 |   |   |    |   |   |    |   |    |   |   |   |   |    |   |   |   |   |
|--|-----------------|----------------------|---|---|----|---|---|----|---|----|---|---|---|---|----|---|---|---|---|
|  | 1st & 2nd >>    | CC-                  |   |   |    |   |   |    |   |    |   |   |   |   |    |   |   |   |   |
|  | 3rd >>          | 1-                   |   |   | 2- |   |   | 3- |   | 4- |   |   |   |   | 5- |   |   |   |   |
|  | 4th >>          | 1                    | 2 | 3 | 1  | 2 | 3 | 4  | 5 | 1  | 2 | 3 | 4 | 5 | 1  | 2 | 3 | 4 | 5 |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size<sup>(9)</sup></b> [No change in text.] |                 | [No change in text.] |   |   |    |   |   |    |   |    |   |   |   |   |    |   |   |   |   |
| <b>Pushcarts:</b>  |                 |                      |   |   |    |   |   |    |   |    |   |   |   |   |    |   |   |   |   |
| Pushcarts on Private Property [No change in text.]   |                 | [No change in text.] |   |   |    |   |   |    |   |    |   |   |   |   |    |   |   |   |   |
| <b>Pushcarts in Public Right of Way</b>  |                 | N                    |   |   | N  |   |   | N  |   |    | N |   |   | N |    |   | N |   |   |
| <b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  |                 | [No change in text.] |   |   |    |   |   |    |   |    |   |   |   |   |    |   |   |   |   |

Footnotes for Table 131-05B [No change in text.]

**§131.0622 Use Regulations Table for Industrial Zones**

The uses allowed in the industrial zones are shown in Table 131-06B.

**Legend for Table 131-06B**

[No change in text.]

**Table 131-06B  
Use Regulations Table for Industrial Zones**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]   | Zone Designator | Zones                |    |    |     |    |    |     |    |     |      |
|---|-----------------|----------------------|----|----|-----|----|----|-----|----|-----|------|
|   | 1st & 2nd >>    | IP-                  |    |    | IL- |    |    | IH- |    | IS- | IBT- |
|   | 3rd >>          | 1-                   | 2- | 3- | 1-  | 2- | 3- | 1-  | 2- | 1-  | 1-   |
|   | 4th >>          | 1                    | 1  | 1  | 1   | 1  | 1  | 1   | 1  | 1   | 1    |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(13)</sup></b> [No change in text.] |                 | [No change in text.] |    |    |     |    |    |     |    |     |      |
| <b>Pushcarts:</b>   |                 |                      |    |    |     |    |    |     |    |     |      |
| Pushcarts on Private Property [No change in text.]  |                 | [No change in text.] |    |    |     |    |    |     |    |     |      |
| <b>Pushcarts in Public Right of Way</b>   |                 | N                    | N  | N  | N   | N  | N  | N   | N  | N   | N    |

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator      | Zones |    |    |     |    |    |     |    |     |      |
|---|----------------------|-------|----|----|-----|----|----|-----|----|-----|------|
|   | 1st & 2nd >>         | IP-   |    |    | IL- |    |    | IH- |    | IS- | IBT- |
|   | 3rd >>               | 1-    | 2- | 3- | 1-  | 2- | 3- | 1-  | 2- | 1-  | 1-   |
|   | 4th >>               | 1     | 1  | 1  | 1   | 1  | 1  | 1   | 1  | 1   | 1    |
| Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]                                | [No change in text.] |       |    |    |     |    |    |     |    |     |      |

Footnotes for Table 131-06B [No change in text.]

### §132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

(a) through (f) [No change in text.]

### Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria for MCAS Miramar, Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, and NOLF Imperial Beach Airport Influence Areas

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]  | Aircraft Noise Exposure (dB CNEL) |              |              |       |
|--|-----------------------------------|--------------|--------------|-------|
|  | 60-65                             | 65-70        | 70-75        | 75-80 |
| Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(4)</sup> [No change in text.] | [No change in text.]              |              |              |       |
| <del>Pushcarts:</del>  |                                   |              |              |       |
| Pushcarts on Private Property  | P                                 | P            | P            | -     |
| <del>Pushcarts in Public Right-of-Way</del>  | <del>P</del>                      | <del>P</del> | <del>P</del> | -     |
| Recycling Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]   | [No change in text.]              |              |              |       |

Footnotes to Table 132-15D [No change in text.]

**Legend for Table 132-15E**

[No change in text.]

**Table 132-15E**  
**Noise Compatibility Criteria for San Diego International Airport**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]  | Aircraft Noise Exposure (dB CNEL) |              |              |              |
|--|-----------------------------------|--------------|--------------|--------------|
|  | 60-65                             | 65-70        | 70-75        | 75-80        |
| <b>Open Space</b> through <b>Separately Regulated Commercial Services Uses</b> , Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(4)</sup> [No change in text.] | [No change in text.]              |              |              |              |
| <b>Pushcarts:</b>  |                                   |              |              |              |
| Pushcarts on Private Property  | P                                 | P            | P            | P            |
| <del>Pushcarts in <i>Public Right of Way</i></del>   | <del>P</del>                      | <del>P</del> | <del>P</del> | <del>P</del> |
| Recycling Facilities through <b>Signs</b> , <b>Allowable Signs</b> , Theater <i>Marquees</i> [No change in text.]  | [No change in text.]              |              |              |              |

Footnotes to Table 132-15E [No change in text.]

**§132.1515 Safety Compatibility**

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

(a) through (f) [No change in text.]

**Legend for Table 132-15G**

[No change in text.]



**Table 132-15G**  
**Safety Compatibility Criteria for MCAS Miramar and NOLF Imperial Beach**

| <b>Use Categories/ Subcategories</b><br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]          | <b>APZ I</b>              | <b>APZ II</b>             | <b>TZ</b>    |
|---|---------------------------|---------------------------|--------------|
| Maximum People Per Acre   | 25                        | 50                        | 300          |
| <b>Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.] | [No change in text.]      |                           |              |
| <del>Pushcarts:</del>   |                           |                           |              |
| Pushcarts on Private Property   | P <sup>15</sup>           | P <sup>15</sup>           | P            |
| <del>Pushcarts in Public Right of Way</del>   | <del>P<sup>15</sup></del> | <del>P<sup>15</sup></del> | <del>P</del> |
| <b>Recycling Facilities through Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  | [No change in text.]      |                           |              |

Footnotes to Table 132-15G [No change in text.]

(g) [No change in text.]

**Legend for Table 132-15H**

[No change in text.]

**Table 132-15H**  
**Safety Compatibility Criteria for Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport**

| <b>Use Categories/ Subcategories</b><br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | <b>Zone 1</b>        | <b>Zone 2</b> | <b>Zone 3</b> | <b>Zone 4</b> | <b>Zone 5</b> | <b>Zone 6</b> |
|--|----------------------|---------------|---------------|---------------|---------------|---------------|
| Maximum People Per Acre  | N/A                  | 84            | 156           | 156           | 240           | No limit      |
| Maximum Lot Coverage <sup>11, 18</sup>   | N/A                  | 50%           | 60%           | 70%           | 70%           | N/A           |
| <b>Open Space through Service Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.]                         | [No change in text.] |               |               |               |               |               |

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone                 | Zone | Zone | Zone | Zone | Zone     |
|---|----------------------|------|------|------|------|----------|
|   | 1                    | 2    | 3    | 4    | 5    | 6        |
| Maximum People Per Acre   | N/A                  | 84   | 156  | 156  | 240  | No limit |
| Maximum Lot Coverage <sup>11, 18</sup>  | N/A                  | 50%  | 60%  | 70%  | 70%  | N/A      |
| <b>Pushcarts:</b>   |                      |      |      |      |      |          |
| Pushcarts on Private Property   | -                    | P    | P    | P    | P    | P        |
| Pushcarts in <i>Public Right of Way</i>   | -                    | P    | P    | P    | P    | P        |
| Recycling Facilities through Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]   | [No change in text.] |      |      |      |      |          |

Footnotes to Table 132-15H [No change in text.]

(h) [No change in text.]

#### Legend for Table 132-15I

[No change in text.]

**Table 132-15I**  
**Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park and Centre City Neighborhoods**

| Use Categories/ Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]          | Centre City          |      |      |             |     |        |      |              |              |   |      |      |     |
|--|----------------------|------|------|-------------|-----|--------|------|--------------|--------------|---|------|------|-----|
|  | Uptown               |      |      | Balboa Park |     | Cortez |      | East Village | Little Italy |   |      |      |     |
| Safety Zones   | 2E                   | 3NE  | 3SE  | 2E          | 4E  | 2E     | 3SE  | 4E           | 4E           | 1 | 2E   | 3E   | 5S  |
| Maximum Dwelling Unit Per Acre   | 58                   | 62   | 164  | -           | -   | -      | 210  | 240          | -            | - | 40   | 154  | -   |
| Maximum People Per Acre  | 272                  | 278  | 674  | 96          | 240 | 96     | 842  | 240          | 240          | - | 255  | 732  | 180 |
| Person per Household Multiplier for Mixed-Use Development  | 1.51                 | 1.48 | 1.57 | -           | -   | -      | 1.57 | 1.52         | -            | - | 1.51 | 1.57 | -   |
| Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size [No change in text.] | [No change in text.] |      |      |             |     |        |      |              |              |   |      |      |     |

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for<br>an explanation and<br>descriptions of the Use<br>Categories, Subcategories,<br>and Separately Regulated<br>Uses] | Uptown               |      | Balboa<br>Park |    | Centre City |    |      |                      |              |   |      |      |     |
|---|----------------------|------|----------------|----|-------------|----|------|----------------------|--------------|---|------|------|-----|
|   |                      |      |                |    | Cortez      |    |      | East<br>Vill-<br>age | Little Italy |   |      |      |     |
| Safety Zones  | 2E                   | 3NE  | 3SE            | 2E | 4E          | 2E | 3SE  | 4E                   | 4E           | 1 | 2E   | 3E   | 5S  |
| Maximum Dwelling Unit Per Acre  | 58                   | 62   | 164            | -  | -           | -  | 210  | 240                  | -            | - | 40   | 154  | -   |
| Maximum People Per Acre   | 272                  | 278  | 674            | 96 | 240         | 96 | 842  | 240                  | 240          | - | 255  | 732  | 180 |
| Person per Household Multiplier for Mixed-Use Development   | 1.51                 | 1.48 | 1.57           | -  | -           | -  | 1.57 | 1.52                 | -            | - | 1.51 | 1.57 | -   |
| Pushcarts:  |                      |      |                |    |             |    |      |                      |              |   |      |      |     |
| Pushcarts on Private Property   | P                    | P    | P              | P  | P           | P  | P    | P                    | P            | - | P    | P    | P   |
| Pushcarts in Public Right-of-Way  | P                    | P    | P              | P  | P           | P  | P    | P                    | P            | - | P    | P    | P   |
| Recycling Facilities through Signs, Allowable Signs, Theater Marquees<br>[No change in text.]   | [No change in text.] |      |                |    |             |    |      |                      |              |   |      |      |     |

Footnotes to Table 132-15I [No change in text.]

**Legend for Table 132-15J**

[No change in text.]

**Table 132-15J**  
**Safety Compatibility Criteria for San Diego International Airport – Ocean Beach, Peninsula, Midway-Pacific Highway Neighborhoods**

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for an<br>explanation and descriptions<br>of the Use Categories,<br>Subcategories, and Separately<br>Regulated Uses] | Ocean Beach          | Peninsula             |      |      |         |      |                     |         |      |   | Midway-Pacific Highway |      |      |     |
|--|----------------------|-----------------------|------|------|---------|------|---------------------|---------|------|---|------------------------|------|------|-----|
|  |                      | Naval Training Center |      |      |         |      | Other Neighborhoods |         |      |   |                        |      |      |     |
| Safety Zones   | 4W                   | 1                     | 2W   | 3NW  | 3S<br>W | 2W   | 3N<br>W             | 3S<br>W | 4W   | 1 | 2E                     | 3NE  | 3NW  | 5N  |
| Maximum Dwelling Unit Per Acre   | 31                   | -                     | -    | -    | -       | 20   | 10                  | 9       | 36   | - | 46                     | -    | 44   | -   |
| Maximum People Per Acre  | 240                  | -                     | 127  | 180  | 235     | 96   | 180                 | 180     | 240  | - | 191                    | 180  | 198  | 180 |
| Person per Household Multiplier for Mixed-Use Development  | 2.14                 | -                     | 2.35 | 2.27 | 2.23    | 2.35 | 2.27                | 2.23    | 2.14 | - | 1.51                   | 1.48 | 2.27 | -   |
| Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over   | [No change in text.] |                       |      |      |         |      |                     |         |      |   |                        |      |      |     |

| Use Categories/<br>Subcategories<br>[See Section 131.0112 for an<br>explanation and descriptions<br>of the Use Categories,<br>Subcategories, and Separately<br>Regulated Uses] | Ocean Beach          | Peninsula             |              |              |              |                     |              |              |              |              |              |              |              |              |
|--|----------------------|-----------------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|  |                      | Naval Training Center |              |              |              | Other Neighborhoods |              |              |              |              |              |              |              |              |
|  |                      | 4W                    | 1            | 2W           | 3NW          | 3S<br>W             | 2W           | 3N<br>W      | 3S<br>W      | 4W           | 1            | 2E           | 3NE          | 3NW          |
| <b>Safety Zones</b>  |                      |                       |              |              |              |                     |              |              |              |              |              |              |              |              |
| <b>Maximum Dwelling Unit<br/>Per Acre</b>  | 31                   | -                     | -            | -            | -            | 20                  | 10           | 9            | 36           | -            | 46           | -            | 44           | -            |
| <b>Maximum People Per Acre</b>   | 240                  | -                     | 127          | 180          | 235          | 96                  | 180          | 180          | 240          | -            | 191          | 180          | 198          | 180          |
| <b>Person per Household<br/>Multiplier for Mixed-Use<br/>Development</b>   | 2.14                 | -                     | 2.35         | 2.27         | 2.23         | 2.35                | 2.27         | 2.23         | 2.14         | -            | 1.51         | 1.48         | 2.27         | -            |
| 40,000 square feet in size [No<br>change in text.]   |                      |                       |              |              |              |                     |              |              |              |              |              |              |              |              |
| <b>Pushcarts:</b>  |                      |                       |              |              |              |                     |              |              |              |              |              |              |              |              |
| Pushcarts on Private<br>Property   | P                    | -                     | P            | P            | P            | P                   | P            | P            | P            | -            | P            | P            | P            | P            |
| <del>Pushcarts in Public<br/>Right of Way</del>  | <del>P</del>         | <del>-</del>          | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del>        | <del>P</del> | <del>P</del> | <del>P</del> | <del>-</del> | <del>P</del> | <del>P</del> | <del>P</del> | <del>P</del> |
| Recycling Facilities<br>through <i>Signs</i> , Allowable<br><i>Signs</i> , Theater <i>Marquees</i><br>[No change in text.]   | [No change in text.] |                       |              |              |              |                     |              |              |              |              |              |              |              |              |

Footnotes to Table 132-15J [No change in text.]

**§141.0619 Pushcarts on Private Property**

This Section regulates pushcarts on private property ~~and pushcarts in the public right of way~~. Pushcarts are moveable, wheeled, non-motorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots. Pushcarts are a health-regulated business subject to Section 42.0102.

~~(a) — Pushcarts on Private Property~~

Pushcarts are permitted on private property as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- ~~(a)~~ Pushcarts are not permitted in required *yards*, required landscape areas, or required parking areas.

- (2b) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.
- (3c) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- (4d) The price of items sold shall be posted on the pushcart and shall be clearly legible.

(b) ~~Pushcarts in the *Public Right of Way*~~

~~Pushcarts may be permitted in the *public right of way* with a Neighborhood Use Permit in the zones indicated with an "N" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:~~

- (1) ~~The decision maker will evaluate the following to determine whether a pushcart is a suitable use for the proposed location and will not infringe on the use of the *public right of way* by pedestrians:~~
  - (A) ~~The width of the sidewalk;~~
  - (B) ~~The proximity and location of building entrances;~~
  - (C) ~~Existing obstructions to pedestrian use of the sidewalk including light standards, trees, parking meters, trash receptacles, traffic signals, signs, benches, phone booths, newspaper stands, and bus stops;~~

- ~~(D) Vehicle activity areas in the adjacent roadway including bus stops, truck loading zones, taxi stands or hotel zones, and passenger loading areas; and~~
- ~~(E) The amount of pedestrian use and the impact of the pusheart's location on pedestrian activity.~~
- (2) ~~The decision maker will consider the appropriateness of the pusheart design and color scheme, signs, and graphics for the products for sale and the proposed location.~~
- (3) ~~The applicant shall obtain and submit with the permit application a Certificate of Insurance for a public liability insurance policy of at least \$500,000. The liability insurance shall be provided in a form and an amount acceptable to the City Engineer. The policy shall name the City as an additional insured and shall be maintained at all times.~~
- (4) ~~The applicant shall obtain and submit with the permit application a notarized authorization from the owner or proprietor of the adjacent street level business for the applicant to install and operate the pusheart.~~
- (5) ~~Pushearts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.~~

- (6) A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right of way* and shall be maintained at all times. Obstructions include traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects. The clear path shall be a paved sidewalk that is at least 8 feet wide. The clear path shall be measured in the following manner:
- (A) For pushcarts located at the curb, the clear path shall be measured from the pushcart to the nearest obstruction within the flow of pedestrian traffic. The pushcart shall not hang over the curb;
  - (B) For pushcarts not located at the curb, the clear path shall be measured from the pushcart to the curb or to the nearest obstruction within the flow of pedestrian traffic;
  - (C) For pushcarts located at *street* intersections, the clear path shall include the area formed by extending the *property line* to each curb line;
  - (D) Recesses in the *building facade* shall not be used to satisfy the clear path requirement; and

- (E) ~~The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing *street* conditions are such that no congestion would result.~~
- (7) ~~Pushcarts shall not touch or be attached to any *structure* or any obstruction within the flow of pedestrian traffic, including traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects.~~
- (8) ~~Pushcarts shall not obstruct access to parked vehicles, impede the delivery of materials to adjoining property, nor preclude any existing curb space use.~~
- (9) ~~Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.~~
- (10) ~~The price of items sold shall be posted on the pushcart and shall be clearly legible.~~
- (11) ~~During hours of operation, pushcarts shall remain in the location specified in the permit.~~
- (12) ~~Pushcarts shall not be left unattended, nor shall they remain in the *public right of way* between 12:00 midnight and 6:00 a.m. except for special events as provided in Chapter 2, Article 2, Division 40 (Special Events).~~



- (13) ~~An applicant that has received a Neighborhood Use Permit for a pusheart shall have an operating cart on the specified site within 60 calendar days of approval or the permit will be void.~~
- (14) ~~The permit is valid only when used at the location designated on the permit. The permit shall be displayed in a prominent and visible place on the pusheart.~~
- (15) ~~A Neighborhood Use Permit for a pusheart may not be transferred, but there may be more than one applicant for a single permit.~~
- (16) ~~A Neighborhood Use Permit for a pusheart can be revoked or modified in accordance with Sections 121.0313 through 123.0316.~~

**§155.0238 Use Regulations Table of CU Zones**

The uses allowed in the CU zones are shown in Table 155-02C:

**Legend for Table 155-02C**

[No change in text.]

**Table 155-02C  
Use Regulations Table for CU Zones**

| Use Categories/Subcategories<br>[See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]                               | Zone Designator      | Zones |   |    |   |   |          |   |   |   |  |
|--|----------------------|-------|---|----|---|---|----------|---|---|---|--|
|  | 1st & 2nd >>         | CU-   |   |    |   |   |          |   |   |   |  |
|  | 3rd >>               | 1-(1) |   | 2- |   |   | 3-       |   |   |   |  |
|  | 4th >>               | 1     | 2 | 3  | 4 | 5 | 3(2)(12) | 6 | 7 | 8 |  |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size<sup>(6)</sup></b> [No change in text.] | [No change in text.] |       |   |    |   |   |          |   |   |   |  |
| <b>Pushearts:</b>  |                      |       |   |    |   |   |          |   |   |   |  |

|  |                      |   |   |
|--|----------------------|---|---|
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |   |   |
| <del>Pushcarts in public right-of-way</del>  | -                    | N | N |
| Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.] | [No change in text.] |   |   |

Footnotes for Table 155-02C [No change in text.]

**156.0308 Base District Use Regulations**

(a) through (b) [No change in text.]

| <b>Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS</b>   |                      |     |     |     |                 |     |    |                |                |     |     |                 |                           |                       |  |
|---|----------------------|-----|-----|-----|-----------------|-----|----|----------------|----------------|-----|-----|-----------------|---------------------------|-----------------------|--|
| <b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay |                      |     |     |     |                 |     |    |                |                |     |     |                 |                           |                       |  |
| Use Categories/<br>Subcategories  | C                    | NC  | ER  | BP  | WM <sup>7</sup> | MC  | RE | I <sup>7</sup> | T <sup>7</sup> | PC  | OS  | CC <sup>7</sup> | Additional<br>Regulations | MS/CS & E<br>Overlays |  |
| Public Park/<br>Plaza/Open<br>Space through<br>Commercial<br>Services,<br>Separately<br>Regulated<br>Commercial<br>Service Uses,<br>Private Clubs,<br>Lodges and<br>Fraternal<br>Organizations<br>[No change in<br>text.]                                       | [No change in text.] |     |     |     |                 |     |    |                |                |     |     |                 |                           |                       |  |
| <u>Pushcarts on private<br/>property</u>  | LAN                  | LAN | LAN | LAN | LAN             | LAN | -- | --             | LAN            | LAN | LAN | LAN             | LAN                       | §141.0619             |  |
| Recycling Facilities<br>through Signs,<br>Separately<br>Regulated Signs<br>Uses, Other Use<br>Requirements,<br>Temporary Uses<br>and Structures [No<br>change in text.]   | [No change in text.] |     |     |     |                 |     |    |                |                |     |     |                 |                           |                       |  |

Footnotes for Table 156-0308-A [No change in text.]

**§157.0304 Permitted Uses**

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

(a) through (c) [No change in text.]

**(d) Prohibited Uses**

The following uses shall be prohibited in the entire District as both *primary* and *accessory uses*:

- (1) card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;
- (2) correctional placement facilities pursuant to Section 141.0406;
- (3) drive-through businesses; and
- (4) mobile food trucks as described in Section 141.0612; and
- (5) ~~pushearts in the public right-of-way.~~

(e) through (f) [No change in text.]

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones**

**Legend for Table 1516-01B**

[No change in text.]

**Table 1516-01B  
Use Regulations for Old Town Residential Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]                                | Zone Designator | Zones                |       |    |   |
|---|-----------------|----------------------|-------|----|---|
|   | 1st & 2nd >>    | OTRS-                | OTRM- |    |   |
|   | 3rd >>          | 1-                   | 1-    | 2- |   |
|   | 4th >>          | 1                    | 1     | 1  | 2 |
| Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size [No change in text.] |                 | [No change in text.] |       |    |   |
| <del>Pushcarts:</del>   |                 |                      |       |    |   |
| Pushcarts on Private Property [No change in text.]  |                 | [No change in text.] |       |    |   |
| <del>Pushcarts in Public Right of Way</del>   |                 | -                    | -     | -  |   |
| Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]  |                 | [No change in text.] |       |    |   |

Footnotes for Table 1516-01B [No change in text.]

**§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones**

**Legend for Table 1516-01D**

[No change in text.]

**Table 1516-01D  
Use Regulations for Old Town San Diego Commercial Zones**

| Use Categories/Subcategories<br>[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] | Zone Designator | Zones |    |   |    |   |   |        |   |   |
|--|-----------------|-------|----|---|----|---|---|--------|---|---|
|  | 1st & 2nd >>    | OTCC- |    |   |    |   |   | OTMCR- |   |   |
|  | 3rd >>          | 1-    | 2- |   | 3- |   | 1 |        |   |   |
|  | 4th >>          | 1     | 1  | 2 | 3  | 1 | 2 | 1      | 2 | 3 |

|  |                      |   |   |   |
|--|----------------------|---|---|---|
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size</b> [No change in text.] | [No change in text.] |   |   |   |
| <b>Pushcarts:</b>  |                      |   |   |   |
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |   |   |   |
| <b>Pushcarts in Public Right of Way</b>  | -                    | - | - | - |
| <b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]  | [No change in text.] |   |   |   |

Footnotes for Table 1516-01D [No change in text.]

**§1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones**

**Legend for Table 1516-01F**

[No change in text.]

**Table 1516-01F  
Use Regulations for Old Town San Diego Open Space-Park Zones**

| Use Categories/<br>Subcategories<br>[See Section 131.0112<br>for Use Categories,<br>Subcategories, and<br>Separately<br>Regulated Uses]  | Zone<br>Designator   | Zones        |       |
|--|----------------------|--------------|-------|
|  |                      | 1st & 2nd >> | OTOP- |
|  | 3rd >>               | 1-           | 2-    |
|  | 4th >>               | 1            | 1     |
| <b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.] | [No change in text.] |              |       |
| <b>Pushcarts:</b>  |                      |              |       |
| Pushcarts on Private Property [No change in text.]   | [No change in text.] |              |       |
| <b>Pushcarts in Public Right of Way</b>  | -                    | -            | -     |

| <b>Use Categories/<br/>Subcategories</b>  | <b>Zone<br/>Designator</b> | <b>Zones</b>         |    |
|---|----------------------------|----------------------|----|
| [See Section 131.0112<br>for Use Categories,<br>Subcategories, and<br>Separately<br>Regulated Uses]                           | 1st & 2nd >>               | OTOP-                |    |
|   | 3rd >>                     | 1-                   | 2- |
|   | 4th >>                     | 1                    | 1  |
| <b>Recycling Facilities through Signs,<br/>Separately Regulated Signs Uses,<br/>Theater Marquees [No change in<br/>text.]</b> |                            | [No change in text.] |    |

Footnotes for Table 1516-01F [No change in text.]

KRS:nja:jdf:cm  
01/26/2022  
06/14/2022 REV.  
Or. Dept: Council District - 2  
Doc. No. 2854299\_2

Passed by the Council of The City of San Diego on MAY 17 2022, by the following vote:

| Councilmembers           | Yeas                                | Nays                                | Not Present              | Recused                  |
|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Joe LaCava               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Jennifer Campbell        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Stephen Whitburn         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Monica Montgomery Steppe | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Marni von Wilpert        | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Chris Cate               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Raul A. Campillo         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Vivian Moreno            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sean Elo-Rivera          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAY 23 2022

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on MAR 01 2022, and on MAY 23 2022.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 21458